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TRW(EHR)5042 Practiti n r's Docket N .

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Christoph Dorr

Application No.:

09/640,038

Group No.: 3679

Filed:

August 16, 2000

Examiner: E. Garcia

For:

BALL-AND-SOCKET JOINT WITH BEARING SHELL

RECEIVED

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

JUN 2 4 2003

GROUP 3600

REQUEST FOR CONTINUED EXAMINATION (RCE) (37 C.F.R. § 1.114)

Applicant hereby requests continued examination, in accordance with 37 C.F.R. § 1.114, for the above-identified application.

WARNING:

35 U.S.C. 132(b) and § 1.114 provide for the continued examination of an application and ${\it n}$ t examination of a continuing application. Accordingly, the Office will not permit an applicant to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined. Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.

WARNING:

A continued examination request cannot be made if at least one office action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 161 has not been mailed. The provisions of 37 CFR 1.114 also do not apply (1) to a provisional application, an application for a utility or plant patent filed under 35 U.S.C. 111(a); (2) an international application filed under 35 U.S.C. 363 before June 8, 1995; (3) a patent under reexamination or (4) an application for a design patent. 37 CFR 1.114(d).

CERTIFICATION UNDER 37 CFR §§1.8(a) and 1.10* (When using Express Mail, the Express Mail label number is mandatory; Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

deposited with the United States Deptal Service in an envelope addressed to the

\triangle	deposited with the Officed States Postal Service	e ili ali eli	envelope addressed to the					
	Commissioner for Patents, P.O. Box 1450, Ale	exandria, i	a, VA 22313-1450					
	37 C.F.R. § 1.8(a)		37 C.F.R. § 1.10*					
	with sufficient postage as first class mail.	\boxtimes	as "Express Mail Post Office to					
Add	dressee"	Mailing Label No. ET924151398						
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TRANSMISSION								
\Box	transmitted by facsimile to the Patent and Trade	eminark off)ffi&e (703)					

Date: June 19, 2003

Deborah Denn

(type or print name of person certifying)

<u> 18 12700 (1817888) 30000072 09840033</u>

750.00 OF

*Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office Addressee" (§ 1.10) or

facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

NOTE: There is no limit to the number of times the fee for continued examination may be submitted. Notice of March 10, 2000, 65 Fed Reg 14865, at 14868.

NOTE: Unlike a continuation application, a continued examination request can utilize the mailing procedure of 37 CFR 1.8. See 37 CFR § 1.8(a)(2)(i)(A).

TIME REQUEST IS BEING MADE

2.	This re	quest is	being s	ubmitted (check appropriate item(s) b	pelow):
	i.	\boxtimes	Prior to	abandonment of the application	
	ii.		Payme	ent of the issue fee	
				Prior to payment of issue fee	
				Issue fee has been paid but a petiti been granted	on under § 1.313 has
	iii.			o a decision on appeal to the Board or rences that this Request for Continue iled.	
				ee is being separately sent to the Boa rences that this Request for Continue filed.	
NOTE:	If such a the RCE	notice is i	not sent to e recogniti	the Board then may refuse to vacate a decision by the Office of the RCE request under § 1	on rendered after the filing of .114.
	iv.			I to the U.S. Court of Appeals of the I S.C. 145 or ☐ Commencement of a c 146.	
				Prior to the filing of such appeal or action.	commencement of civil
				Such appeal or commencement of terminated.	civil action has been
				ENCLOSURES	
3.	Enclos	ed here	with is/a	re:	
И	VARNING:			r non-final Office action under 35 U.S.C. 132 is neet the reply requirements of § 1.111. 37 C.	
		An info	rmation	disclosure (37 C.F.R. § 1.98) (page(s))
			Form I	PTO-1449 (PTO/SB/08A and 08B) (page(s))
	\boxtimes	An am	endmen	t (10 page(s)) Filed 6-13-03	
		New a	rgument	ts	
		New e	vidence	in support of patentability	
		Other:			
			FEE I	REQUEST (37 C.F.R. §1.17(e))	
4.	This a	pplicatio	n is on b	pehalf of:	
		Small	entity (a	nd status is still as small entity)	
	\boxtimes	Other	than a s	mall entity	\$750.00

Continued Prosecution Request Fee \$750.00 (Request for Continued Examination (RCE) (37 C.F.R. § 1.114)[9-64]--Page 3 of 5) Express Mail Label No. ET924151398

FEE F R CLAIMS

"The fee for continued examination under § 1,114 (§1.17(e)) does not include additional claims fee (cf. 1.53 (d)(3)(ii))." See Notice of March 10, 2000, 65 Fed Reg 14865, at 148868. NOTE:

37 CFR 1.53(d)(3): "The filing fee for a continued prosecution application filed under this paragraph is:

(i) The basic filing fee as set forth in § 1.16; and

Any additional § 1.16 fee due based on the number of claims remaining in the application after entry of any amendment accompanying the request for an application under this paragraph and entry of any amendments under § 1.116 unentered in the prior application which applicant has requested to be entered in the continued prosecution application.

The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below: 5.

(C	ol. 1)		(Col. 2)	(Col. 3)	SMAL	L ENTITY		* · · · — · ·	THAN A ENTITY
REM AF	AIMS IAINING FTER NDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE .	OR	RATE	ADDIT. FEE
TOTAL	*11	MINUS	** 20	=	X\$ 9=	\$		X\$ 18=	\$-0-
INDEP.	*2	MINUS	***3	=	X\$ 42=	\$		X\$ 84=	\$-0-
	RST PRES AIMS	ENTATION	OF MULTIPLE DEP.	=	X\$140=	\$		X\$280=	\$
	-					\$	O R	TOTAL ADDIT. FEE	\$

WARNING See 37 C.F.R. §1.116.

(complete (c) or (d), as applicable)

(a) 🛚	No additional fee for claims is required.
	OR
(b) 🗌	Total additional fee for claims required \$

If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.

If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".

If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3". The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box In Col. 1 of a prior amendment or the number of claims originally filed.

EXTENSI N OF TIME

(If an extension of time is appropriate complete (a) or (b), as applicable)

6. The proceedings herein are for a patent application, and the provisions of 37 CFR § 1.136(a) apply.

NOTE: 37 C.F.R. § 1.740(b) "...an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the date after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has not effect on the three-month period set forth in this paragraph."

(a) Applicant petitions for an extension of time, the fees for which are set out in 37 CFR 1.17(a)(1)-(4), for the total number of months checked below:

Extension for (months)	Fee for Other than Small Entity		Fee for Small Entity
one month two months three months four months	\$ 110.00 \$ 410.00 \$ 930.00 \$1,450.00		\$ 55.00 \$205.00 \$465.00 \$725.00
		Fee	\$930.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

An extension for <u>Three</u> month has already been secured, and the fee paid therefor of \$930.00 is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$_-0-

OR

(b) Applicant believes that no extension of term is required. However, this is a conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

TOTAL FEE(S) DUE

WARNING: The fee for continued examination under § 1.114 may not be deferred. 37 C.F.R. § 1.53(f).

7. The total fee(s) due is/are:

Continued Prosecution Fee (§1.17(e))		\$ <u>750.00</u>
Fee(s) for additional claims (if any) (§	1.16(b)-(d))	\$
Extension of time fee (if any) (\$ 1.17(a)(1)-(4))	\$
	Total Fee(s) Due	\$750.00

PAYMENT F FEE(S) DUE

В.	Please	pay the	e fee(s) for this conti	inued examinatio	n application as	s follows:		
	\boxtimes	Check	is attached for the	sum of	\$	750.00		
		Charge	e Account No. 20-00	090 the sum of	\$			
		Charge	e Credit Card the su	um of	\$	S		
		(Credi	t Card Payment For	m (PTO-2038) at	tached)			
		e charge (a)(1)-(4	e any required addi) to	itional fee(s) for	§ 1.17(e), § 1.	.16(b)-(d) and/or		
		\boxtimes	Account No. 20-0	090 .				
			Credit Card (Cred	lit Card Payment	Form (PTO-20	38) attached).		
			INVE	NTORSHIP				
VOTE:	Any change of inventors must be via the procedure set forth in 37 CFR § 1.48. See Notice of March\ 10, 2000, 65 Fed Reg 14865, at 14868.							
9.	This application as amended names as inventors:							
	the same inventors as previously designated for the claims.							
		fewer than the inventors previously designated and a statement accompanies this request for the deletion of the name or names of the person or persons who are not inventors of the invention now being claimed.						
		a person not named previously as an inventor and a petition under 37 C.F.R. § 1.48 is/has separately: ☐ being filed ☐ been filed						
			DEFERRAL (OF EXAMINAT	ION			
A request for deferration.				of examination	accompanies	this request for		
Date: 6	6-19-03			Thomas	Jan	M-		
				SIGNATURE OF	PRACTITIONE	R		
Reg. No. 20,177				THOMAS L. 7				
Tel. No. (216) 621-2234			4	Tarolli, Sundhe & Tummino L 1111 Leader B 526 Superior A Cleveland, OH	eim, Covell, L.P. uilding venue 44114-1400			
Custor	ner No.:			26,294	O. (Correspondend	e) Address		
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